

Entered -06-25-01 - sb
CL 01L0401 - GWENDOLYN BURNS

CLAIM OF:

MITCHELL J. IVES
4520 Crestwicke Pointe
Atlanta, Georgia 30319

01- R-1845

For damages alleged to have been sustained when a vehicle was driven over a sewer construction site that was not properly covered in the roadway on May 28, 2001 at Peachtree Dunwoody Road, NE & Haven Oaks Court, NE (3740 Peachtree Dunwoody Road, NE).

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: NOV 19 2001

CHAIR: C. J. Marshall

Clayton K. Wilson

W. J. [Signature]

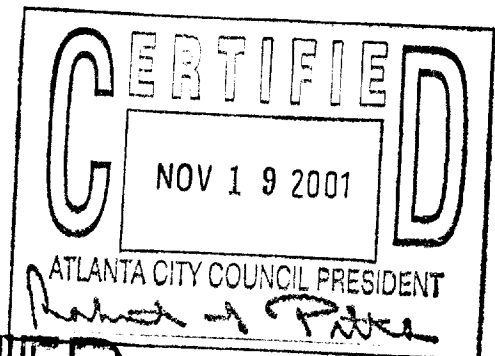
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ADVERSED BY
CITY COUNCIL NOV 19 2001



CERTIFIED
NOV 19 2001

Rhonda Daughin Johnson
MUNICIPAL CLERK



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 30, 2001

Mitchell J. Ives
4520 Crestwicke Pointe
Atlanta, GA 30319

01-R-1845

Dear Mr. Ives:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0401

Date: October 30, 2001

Claimant /Victim MITCHELL J. IVES

BY: (Atty) (Ins. Co.) _____

Address: 4520 Crestwicke Pointe, Atlanta, Georgia 30319

Subrogation: _____ Claim for Property damage \$ 179.89 Bodily Injury \$ _____

Date of Notice: 6/25/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/28/01 Place: Peachtree Dunwoody Rd. & Haven Oaks Ct. (3740 Peachtree Dunwoody Rd.)

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a sewer construction site in the roadway that was left open and in an unsafe manner. However, an investigation determined that an outside contractor performed work at the incident location. The claimant has been notified and his claim has been forwarded to the contractor for immediate resolution.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

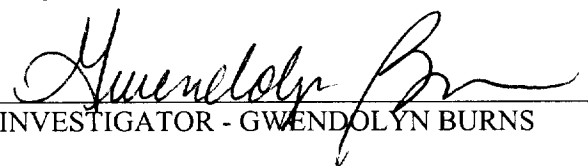
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 10-31-01

Committee Action: _____ Council Action _____

RCS# 3297
11/19/01
5:16 PM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims; Public Safety Items
19 through 37
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

| | | | |
|-----------|-----------|-----------|-------------|
| Y McCarty | B Dorsey | Y Moore | Y Thomas |
| B Starnes | Y Woolard | Y Martin | Y Emmons |
| Y Bond | B Morris | NV Maddox | Y Alexander |
| Y Winslow | Y Muller | Y Boazman | NV Pitts |

01-R-1835
01-R-1836
01-R-1837
01-R-1838
01-R-1839
01-R-1840
01-R-1841
01-R-1842
01-R-1843
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01-R-1855

MULTIPLE